

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Clifford David Brimmer,

Civil No. 04-5005 JNE/SRN

Petitioner,

v.

ORDER

**Joan Fabian, Commissioner,
Robert Feneis, Warden, and
State of Minnesota,**

Respondents.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated November 29, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's Second Amended Application for Habeas Relief under 28 U.S.C. § 2254 (Doc. No. 15), is **DENIED**;
2. This action is **DISMISSED WITH PREJUDICE**.

DATED: December 26, 2006.

s/ Joan N. Erickson
Judge Joan N. Erickson
United States District Court Judge